



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
LOS ANGELES SESSION
DECEMBER 7 and 8, 2010**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald Reagan State Office Building, 300 South Spring Street, Third Floor, North Tower, Los Angeles, California, on December 7 and 8, 2010.

TUESDAY, DECEMBER 7, 2010—9:00 A.M.

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| (1) | S150518 | California Farm Bureau Federation et al. v. State Water Resources Control Board et al. |
| (2) | S177075 | Cortez v. Abich et al. |
| (3) | S167148 | Catlin (Steven) v. Superior Court of Kern County (People, Real Party in Interest) |

2:00 P.M.

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| (4) | S180759 | People v. Troyer (Albert) |
| (5) | S173309 | People v. Ary, Jr. (James) |
| (6) | S093456 | People v. Thomas (Alex Dale) [Automatic Appeal] |

WEDNESDAY, DECEMBER 8, 2010—9:00 A.M.

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| (7) | S174475 | Sonic-Calabasas A., Inc. v. Moreno |
| (8) | S069685 | In re Price (Curtis F.) on Habeas Corpus (<i>Werdegar, J., not participating; Sills, P.J., assigned justice pro tempore</i>) |

GEORGE

Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

**SUPREME COURT OF CALIFORNIA
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The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, DECEMBER 7, 2010—9:00 A.M.

(1) California Farm Bureau Federation et al. v. State Water Resources Control Board et al., S150518

#07-133 California Farm Bureau Federation et al. v. State Water Resources Control Board et al., S150518. (C050289; 146 Cal.App.4th 1126; Superior Court of Sacramento County; 03CS01776, 04CS00473.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in an action for writ of administrative mandate. This case includes the following issues: (1) Does Water Code section 1525, which was amended by the Legislature by majority vote in 2003 to impose annual fees on the persons and entities holding permits and licenses issued by the State Water Resources Control Board, impose an invalid tax or a lawful regulatory fee? (2) If section 1525 is valid, may the Water Resources Control Board permissibly collect a fee levied on an entity that has sovereign immunity from a person or entity who has a contract with the immune sovereign? (3) If the statutory scheme is valid, but the regulations implementing it are invalid, did the Court of Appeal err in limiting refunds to only those persons and entities filing petitions for reconsideration before the Water Resources Control Board?

(2) Cortez v. Abich et al., S177075

#09-76 Cortez v. Abich et al., S177075. (B210628; 177 Cal.App.4th 261; Superior Court of Los Angeles County; GC038444.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case includes the following issue: Did the

Court of Appeal err in holding that the defendant homeowner's remodeling project, which added a new master bedroom, a new master bath, a new garage in place of a carport, and a new roof, fit within the household domestic service exception to the California Occupational Safety and Health Act (Lab. Code, 6300 et seq.)?

(3) *Catlin (Steven) v. Superior Court of Kern County (People, Real Party in Interest)*, S167148

#08-165 Catlin (Steven) v. Superior Court of Kern County (People, Real Party in Interest), S167148. (F053705; 166 Cal.App.4th 133; Superior Court of Kern County; 30594.) Petition for review after the Court of Appeal denied a peremptory petition for writ of mandate. This case presents the following issue: Must a motion under Penal Code section 1054.9, which authorizes prisoners under sentence of death or life without the possibility of parole to bring postconviction discovery motions, be brought within a reasonable time period?

2:00 P.M.

(4) *People v. Troyer (Albert)*, S180759

#10-52 People v. Troyer (Albert), S180759. (C059889; nonpublished opinion; Superior Court of Sacramento County; 07F06029.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case presents the following issue: Did either the protective-sweep exception or the emergency-aid exception to the Fourth Amendment requirement of a warrant permit police officers to make a forcible entry into a locked bedroom while responding to a report of a shooting with injuries at the house?

(5) *People v. Ary, Jr. (James)*, S173309

#09-36 People v. Ary, Jr. (James), S173309. (A113020; 173 Cal.App.4th 80; Superior Court of Contra Costa County; 9805755.) Petition for review after the Court of Appeal remanded a judgment of conviction of criminal offenses for a determination whether defendant had been competent to stand trial. This case presents the following issue: At a

retrospective competency hearing, does the prosecution or the defendant bear the burden of proving competence by a preponderance of the evidence?

(6) *People v. Thomas (Alex Dale)*, S093456 [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

WEDNESDAY, DECEMBER 8, 2010—9:00 A.M.

(7) *Sonic-Calabasas A., Inc. v. Moreno*, S174475

#09-55 *Sonic-Calabasas A., Inc. v. Moreno*, S174475. (B204902; 174 Cal.App.4th 546; Superior Court of Los Angeles County; BS107161.) Petition for review after the Court of Appeal reversed an order denying a motion to compel arbitration. This case presents the following issues: (1) Can a mandatory employment arbitration agreement be enforced prior to the conclusion of an administrative proceeding conducted by the Labor Commissioner concerning an employee's statutory wage claim? (2) Was the Labor Commissioner's jurisdiction over the employee's statutory wage claim divested by the Federal Arbitration Act under *Preston v. Ferrer* (2008) __ U.S. __, 128 S.Ct. 978, 169 L.Ed.2d 917?

(8) *In re Price (Curtis F.) on Habeas Corpus (Werdegart, J., not participating; Sills, P.J., assigned justice pro tempore)*, S069685

#03-153 *In re Price on Habeas Corpus*, S069685. Original proceeding. In this case, which is related to the automatic appeal in *People v. Price* (1991) 1 Cal.4th 324, the Supreme Court issued an order to show cause limited to the following issue: Is petitioner entitled to relief on the claim the prosecutor in this case improperly tampered with a sitting juror by sending her alcoholic drinks and money and telling her to return a guilty verdict?

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